IN RE: PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE SW/S Poplar Avenue, 850' SE of \* ZONING COMMISSIONER the c/l of Shelbourne Road (1237 Poplar Avenue) \* OF BALTIMORE COUNTY 13th Election District 1st Councilmanic District \* Case No. 91-387-A Timothy C. Seiss, et ux Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance to permit a side yard setback of 4 feet in lieu of the minimum required 10 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

**AFFIDAVIT** 

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s)

That the Affiant(s) does/do presently or upon settlement will reside at 1237 Poplar Avenue,

That based upon personal knowledge, the following are the facts upon which I/we base the request for

for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a

AFFIANT (Handwritten Signature)

Marie. M. Seiss

AFFIANT (Printed Name)

reposting and advertising fee and may be required to provide additional information.

Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

<u>Baltimore</u>, MD 21227

SEE ATTACHED PAGE

Timothy & Revy

of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

AFFIANT (Handwritten Signature)

Timothy C. Seiss

AFFIANT (Printed Name)

Baltimore County, as follows:

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-387-A

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore the day of May, 1991 that the Petition for Residential Variance to permit a side yard setback of 4 feet in lieu of the minimum required 10 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The subject dwelling shall contain only one kitchen.

> 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> > / for Baltimore County

JRH:bjs

## PETITION FOR RESIDENTIAL VARIANCE:

- 2-

91-387-A HARDSHIP OR PRACTICAL DIFFICULTY

The existing kitchen comprises 7% of a small single family home (approximately 1100 square feet including an unfinished basement) built in 1948. Basically in its' original condition, the kitchen includes only 4 single cabinets, 2 drawers and 30" of counter space located within a 7'x9' room. This limited work space prevents more than one person from operating comfortably and effortlessly in the area. While these conditions may have suited the childless, elderly couple previously living at the residence, the impracticality and aggravation currently experienced will only augment as our family increases.

Expanding the present floor plan in one direction straight back toward the rear of the property would result in a "hallway-like" kitchen. Although this would increase "kitchen functionality" somewhat, it would not alleviate the existing anguish caused by the present limitation in overall living space. We feel that a kitchen expansion both to the side and the rear would provide enough space for a modern "eat-in" kitchen environment, equivalent to present-day design standards. This would allow the kitchen to function as a central gathering place and also provide for the much needed increase in storage and work space. It would also be impractical to increase kitchen space by building out to the rear and across the back of the house because the rear entrance to a hallway leading to the basement would be eliminated as well as the rear living room window.

## ZONING DESCRIPTION

Beginning at a point on the Southwest side of Poplar Avenue which is 50 feet wide at the distance of 850 feet Southeast of the centerline of the nearest improved intersecting street, Shelbourne Road, which is 50 feet wide. Being Lot #30 in the subdivision of Poplar Avenue Continued as recorded in Baltimore County Plat Book J.W.B. #14, Folio #57, and recorded in Deed Liber 8358, Folio #230, containing 5575 square feet (0.128 acres) and having the following metes and bounds: S.51°24'E. 50 feet, S.38°36'W. 111.5 feet, N.51°24'W. 50 feet, and N.38°36'E. 111.5 feet to the place of beginning. Also known as 1237 Poplar Avenue and is located in #13 Election District

91-387-A

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

May 14, 1991

Mr. & Mrs. Timothy C. Seiss 1237 Poplar Avenue Baltimore, Maryland 21227

RE: PETITION FOR RESIDENTIAL VARIANCE SW/S Poplar Avenue, 850' SE of the c/l of Shelbourne Road (1237 Poplar Avenue) 13th Election District - 1st Councilmanic District Timothy C. Seiss, et ux - Petitioners Case No. 91-387-A

Dear Mr. & Mrs. Seiss:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Zoning Commissioner for Baltimore County

JRH:bjs

cc: People's Counsel

File

378

2M 75

W. 286-6805 or

286-7187

I/We do solemnly declare and affirm, under the

owner(s) of the property which is the subject of

penalties of perjury, that I/we are the legal

1237 Poplar Ave H. 536-9469

Name, address and phone number of legal owner, contract

this Petition.

Timoth (.

(Type or Print Name)

City/State/Zip Code

Mrs Marie M. Seiss

Baltimore, MD 21227

purchaser or representative to be contacted.

Legal Owner(s):

SULTED NO ARTHUR ARTES HOLD COMPLETE CONTROL OF THE STATE OF PER PERMITE THE STORES OF ADMERS HER MEDICAL ACCORD

AST MAKE OF CRIMER: SETSU

PETITION FOR RESIDENTIAL VARIANCE

the description and plat attached hereto and made a part hereof, petition for a Variance from Section

- In 130 to a tomar Comp. To D. Commin find to allow a case was secured up at

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

petition be posted on the property on or before the 17 day of APRIL, 19 41

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_

matter of this patition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, st \_\_\_\_ o'clock,

ore County, that the property be reposted, and that the public hearing be had before the Zonlig Commissioner of Beltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

15 15 0 9 175 to 2,5,5,5,5 2.5 ...

(indicate hardship or practical difficulty)

Contract Purchaser:

(Type or Print Name)

City/State/Zip Code

(Type or Print Name)

Attorney for Petitioners

SEE ATTACHED PAGE

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887-3353

April 18, 1991

Mr. & Mrs. Timothy C. Seiss 1237 Poplar Avenue Baltimore, MD 21227

> RE: Item No. 378, Case No. 91-387-A Petitioner: Timothy C. Seiss, et ux Petition for Residential Variance

Dear Mr. & Mrs. Seiss:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

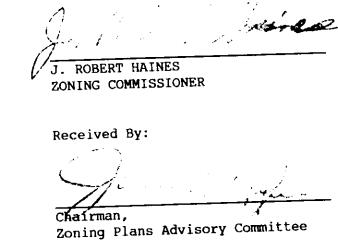
JED:jw

Enclosures

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 2120+ 887 3353

Your petition has been received and accepted for filing this 17th day of April, 1991.



Petitioner: Timothy C. Seiss, et ux

Petitioner's Attorney:

700 East Joppa Road, Suite 901 Towson, MD, 2120 (5500)

(301) 887-4500

APRIL 12, 1991

Baltimore County Government

Fire Department

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: TIMOTHY C. SEISS

Location: #1237 POPLAR AVENUE

Item No.: 378 Zoning Agenda: APRIL 16, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: Cabl Leaf Kelly 416-41 Approved Fire Prevention Bureau

Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 17, 1991
FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting for April 16, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 9-Cycle IV-Case No. R-91-115, 357, 371, 374, 375, 376, 378, 380, 381 and 383.

For Item 10-Cycle IV-Case No. R-91-116, County Review Group Meeting may be required.

For Item 198-Case No. 91-254-A, the previous minor subdivision comments still apply.

For Item 372, this site must be submitted through the minor subdivision process for review and comments.

Dennis A. Kennedy, P./E., Acting Chief, Developers Engineering Division

DAK:s

91-315 A S

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

91-387-A

DATE: May 10, 1991

TO: Mr. J. Robert Haines Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 16, 1991

This office has no comments for items number 357, 371, 372, 374, 375, 376, 378, 381 and 383:

Rahee J. Famili
Traffic Engineer II

RJF/lvd

May 2 91-38

BALTIMORE COUNTY, MARYLAND

DATE: April 24, 1991

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

> Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: John Gwiazdowski, Item No. 377
Roland E. Hess, Item No. 356
Richard S. Cook, Item No. 382
Frank Limmer, Item No. 389
David C. Berg, Item No. 391
Marie E. Martin, Item No. 357
Steven G. Hipley, Item No. 374
David G. Rorison, Item No. 376
Timothy C. Seiss, Item No. 378
John Alban, Item No. 383

In reference to the following variance requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
MULTI.ITM/ZAC1

received

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887-3353

April 12, 1991

Mr. & Mrs. Timothy C. Seiss 1237 Poplar Avenue Baltimore, Maryland 21227

Re: CASE NUMBER: 91-387-A
LOCATION: SW/S Poplar Avenue, 850' SE of c/l Shelbourne Road
1237 Poplar Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

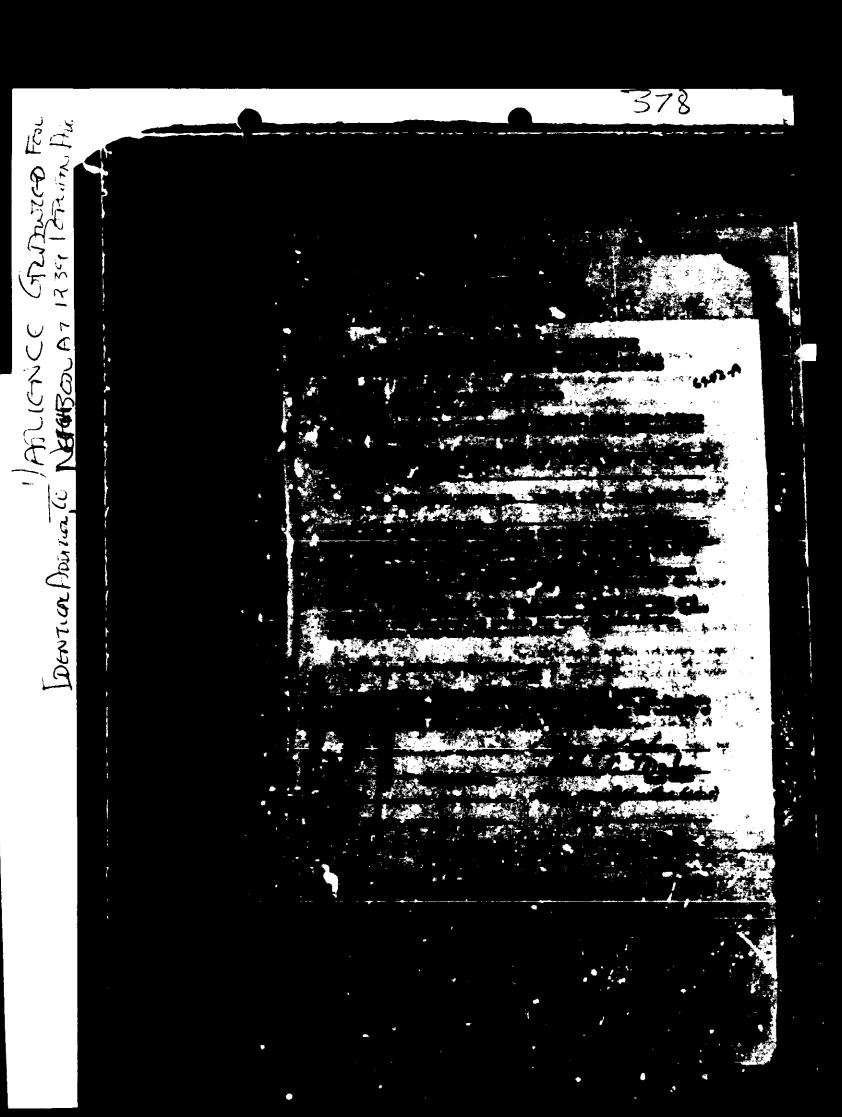
1) Your property will be posted on or before April 17, 1991. The last date (closing date) on which a neighbor may file a formal request for bearing is May 2, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

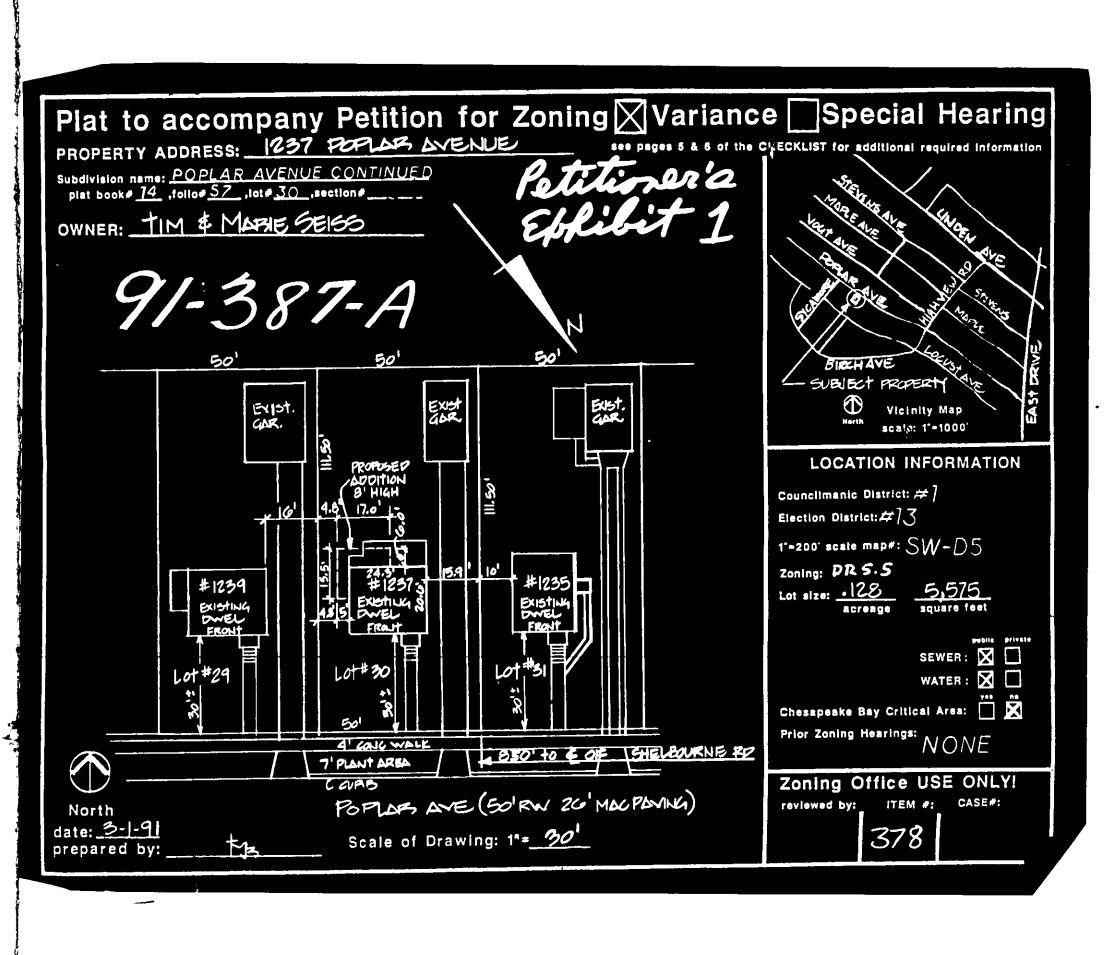
2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly you

G. G. Stephens (301) 887-3391





;			378
	ADDENDUM TO PETITION FOR RESIDENTIAL VARIANCE		
	OF ZONING REGULATIONS AT 1237 POPLAR AVENUE		
		91-387	-A
	As an indication of our sentiments regarding a side-yard structural addition to the home at 1237 Poplar Avenue, we do not object to the building of such a structure. It is understood that the request to add to the existing home would extend from the side of the house and infract upon the zoning regulation requiring 10 feet from dwelling to property line. Approximately 40% of the homes on Poplar Avenue already have additions, some of which have required a variance similar to what is currently being requested at this time.  **Retition of Collision 1.2.**  **Collision of Collision 1.2.**  **The collision of the home of the ho		
	SIGNATURE	ADDRESS	
	Jame R Hannah	1235 POPLAR Ame	
	May Kate Hannel	145 Forter Ave	
	The G Mason	1240 POPLAR AUE	
	Maron Fresqueron	1236 Poplas Ave	
₩.	Thenry Tm. Re-	1239 Joplan Chire.	
i	source Petrig	1232 Poplar de	<u>سے</u>
	Berly Dick	1238 Poplar Hue-	
	Sara-R C. Bestante	1241 Poplar live	
			<del></del>
			~
	<del></del>		

